IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 401 OF 2005

Sandeep Pandurang Yevale — Petitioner
vs.
State of Maharashtra & ors. — Respondents

Mr.R.K.Mendadkar for the petitioner.

Mr.R.D.Rane, A.G.P. for State.

Mr.Deepa Chavan i/b.M/s.Little & Co. for respondent no.4.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 22nd March 2005

P.C.

Heard.

2. Rule. Returnable forthwith.

3. By consent of the learned counsel for the parties,

rule is heard finally at this stage.

4. The learned counsel for the petitioner submits that the petitioner accepts the order of the Caste Scrutiny Committee invalidating the petitioner's caste claim that he belongs to Scheduled Tribe-Mahadeo Koli. The learned counsel for the petitioner, however, submits that the petitioner has completed D.Ed.course in April 2004.

5. Since the petitioner has already completed the D.Ed. course and has also appeared in the second and final year of D.Ed. course in the month of April 2004, in our considered view, no purpose would be served in not declaring his result. In the peculiar facts and circumstances of the case and in the light of the order passed by us on 17th March 2005 in writ petition No.10678/2004-Pentu Vithalrao Maisanwad & ors. v. State of Maharashtra & ors., we are satisfied that the result of the petitioner deserves to be declared and marksheet released to him.

6. We, accordingly, dispose of the rule by the following order:

ORDER

(i) We record that the petitioner accepts the finding of the Scheduled Tribe Caste Certificate Scrutiny Committee that he does not belong to scheduled Tribe-Mahadeo Koli and henceforth he or his family members shall not claim any benefit of Mahadeo koli tribe.

(ii) The respondent no.4-Commissioner of Maharashtra State Examination Council is

directed to declare the petitioner's result for second and final year D.Ed. course examination held in the month of April 2004 within two weeks from today and also release the marksheet to him.

No costs.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)